IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

FRIDAY, THE 5TH OCTOBER 2007 / 13TH ASWINA 1929

Tr.P(C).No. 66 of 2004()

AS.7/2003 of DISTRICT COURT, ALAPPUZHA

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PETITIONER/APPELLANT:

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1. ISSAC @ VAVACHAN, S/O. OUSEPH @ JOSEPH,
NEYYARAPALLIL, VADAKKUM MURI,
CHERTHALA NORTH VILLAGE.
(ADDL. PETITIONERS ARE IMPLEADED)

*2. THANKAMMA ISSAC,NEYYARAPPALLIL , VADAKKUM MURI
CHERTHALA

*3. MARIAM KUTTY JASHEEN NEYYARAPPALLIL , VADAKKUM MURI
CHERTHALA

*4. JOSEPH ISSAC NEYYARAPPALLIL , VADAKKUM MURI
CHERTHALA

*5. PAUL ISSAC NEYYARAPPALLIL , VADAKKUM MURI
CHERTHALA

*6. JOHN ISSAC NEYYARAPPALLIL , VADAKKUM MURI
CHERTHALA

*7. XAVIER ISSAC NEYYARAPPALLIL , VADAKKUM MURI
CHERTHALA

*8. TOM ISSAC NEYYARAPPALLIL , VADAKKUM MURI
CHERTHALA

APPLICANTS 2,3, 5, 6, 7 AND 8 REPRESENTED BY THEIR POWER OF ATORNEY HOLDER THE THE 4TH APPLICANT)

(ADDITIONAL PETITIONER 2 TO 8 ARE IMPLEADED AS PER ORDER DATED 7-9-2007 IN I.A. NOS. 2151 & 2152 OF 2007)

BY ADV. SRI.P.G.PARAMESWARA PANICKER (SR.)
SRI.P.GOPAL

RESPONDENTS: RESPONDENTS:
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1. THANKAMO;NY, W/O. SATHYAPPAN, PARAYAKAD
   KALLARACKAL PADINJATTUMKARA,
   VADAKKUM MURI, KUTHIATHODE VILLAGE.

2. KAVITHA, D/O. SATHYAPPAN OF DO. DO.

3. SATHYABABU, S/O. SATHYAPPAN, OF DO. DO.

4. JOSEPH @ KUNJACHAN, S/O. OUSEPH @ JOSEPH
   CHALAMPARAMBIL, SOUTH OF CHARANKATTU CINE HOUSE,
   FROM NEYYARAPPALLY, CHERTHALA VADAKKUM MURI,
   CHERTHALA, VAKKU VILLAGE.

5. JOSEPH J. NEYYARAPPALLY,
   S/O. JOSEPH RESIDING AT DO.

BY ADV. SRI.RAM MOHAN.G.
SRI.G.P.SHINOD
SRI.MANU V.

THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

HARUN-UL-RASHID, J.

Tr.P (C) No. 66 of 2004

Dated this the 5th day of October 2007

JUDGMENT

The prayer in the transfer petition is to transfer A.S. No. 7/2003 pending before the District Court Alappuzha to this Court and to dispose of the same along with A.S. No 264/2003 which is pending before this Court. O.S. No. 20/2001 filed by the respondents 1 to 3 herein against the petitioner, and O.S No. 21/2001 filed by the petitioner as plaintiff against the respondents 1 to3 are jointly tried and a common judgment and decree was passed on 27-11-2002 by the Subcourt Alappuzha. A.S. No. 264/2003 filed against O.S No. 20/2001, is pending before this Court. A.S No. 7/2003 filed against the judgment and decree in O.S No. 21/2001 filed by the petitioner herein who is the plaintiff in that suit is pending before the District Court Alappuzha. Since both the appeals are arising from the common judgment and decree, the petitioner herein prayed for a transfer of A.S. 7/2003 pending before the District Court ALappuzha to this Court to be jointly heard along with A.S. No. 264/2003 .

When the matter was taken up for hearing, the counsel for the respondents 1 to 3 have submitted that they have also no objection in transferring the case from the District Court Alappuzha to this Court. In

the facts and circumstances, I allow the prayer of the petitioner and order transfer of A.S No. 7/2003 pending before the District Court Alappuzha to this Court to be tried along with A.S. No. 264/2003. The District Court Alappuzha is further directed to transmit the records in A.S No. 7/2003 immediately.

HARUN-UL-RASHID,JUDGE

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